



Administrative Policy and Procedures Manual

602 CODE OF ETHICS

POLICY

All employees must comply with the Code of Ethics for Public Officials and State Employees as set forth in [Chapter 10, Part 1](#), Connecticut General Statutes. However, judges of all courts are excluded with respect to their employment as judges since they are subject to the code of Judicial Conduct.

GENERAL INFORMATION

The Code of Ethics (Code), contained in the Connecticut General Statutes beginning with §1-79, provides specific guidance concerning both prohibitions and limits on the conduct of persons employed by the state. It defines those who are covered and the broad areas of included conduct. It establishes a State Ethics Commission (Commission) whose responsibilities include receiving required reports filed by those covered by the Code, investigating complaints, conducting hearings, and imposing sanctions. The Commission issues advisory opinions. An advisory opinion may be requested by any person subject to the provisions of the Code. Published in the Law Journal, the opinion is binding on the Commission and an absolute defense for the person who requests and relies on it in an action brought under the Code of Ethics. C.G.S. §1-81. In order to obtain an accurate understanding of official ethical concerns, employees should be aware of both the Code, as set forth in state statutes, administrative regulations and the advisory opinions of the Commission.

A. SUMMARY OF PRINCIPLE CODE PROHIBITIONS

Although a full discussion of employee ethics is beyond the scope of this manual, set forth below is a summary of the principle provisions of the Code of Ethics. The ethical rules are set forth in sections 1-84 through 1-86 of the General Statutes. Basically, these sections are intended to prevent one from using his or her public position or authority for personal financial benefit. (Section 1-86e sets forth prohibited activities by persons hired by the State as a consultant or independent contractor.)

The principal provisions of [§1-84](#) prohibit the following:

- acceptance of outside employment which will impair independence of judgment as to official duties or require or induce disclosure of confidential information gained in state service. (Generally outside employment is barred if the private employer can benefit from the state employees official actions. For example, the individual in his or her state capacity has regulatory or contractual authority over the private entity. A state employee

is not prohibited, however, from using his or her expertise for private gain, as long as no provision of the Code is violated in the process.);

- use of public position or confidential information gained in state service for the financial benefit of the individual, his or her family, or an "associated business" (the terms "family" and "associated business" are defined in the Code of Ethics);
- solicitation or acceptance of anything of value based on an understanding that one's official action will be influenced thereby;
- entering into contracts with the State valued at \$100 or more, unless the contract has been awarded through an open and public process. There are a few exceptions to this prohibition. For example, contracts of employment as a state employee and contracts made by court appointment are exempt from the provision;
- acceptance of **any** gift or gifts from one known to be a registered lobbyist or lobbyist's representative. "Gift" under the Code does not include food and drink totaling less than fifty dollars per person in a calendar year, if consumed on occasions at which the lobbyist, or a representative of the lobbyist, furnishing the food and drink is in attendance. Among the other items excluded from the term are presents given by individuals incident to "major life events", ceremonial awards costing less than one hundred dollars, benefits costing less than ten dollars per person per occasion up to fifty dollars total in a calendar year, and gifts to the state. Also prohibited is acceptance of any gift or gifts from any person doing business with, seeking to do business with or directly regulated by the state employee's agency or department. (NOTE: the same exceptions to the lobbyist gift provision listed above also apply to this gift limitation.) Furthermore, the Judicial Branch has its own Receipt of Gift Policy (See Policy 603) which is more stringent than the Code of Ethics' provisions. Employees must comply with both the Code and Judicial's gift policy; and
- acceptance of any fee or honorarium given in return for a speech or appearance made or article written in one's official capacity, however, acceptance of the individual's necessary expenses is permissible.

Sections [1-85](#) (substantial conflict) and [1-86](#) (potential conflict) are distinct but related provisions to consider when a possible conflict is identified. If faced with taking official action which you can expect will directly affect your financial interests, distinct from others in your occupation or group (e.g., taking official action on the awarding of a contract to a private business you own) you have a substantial conflict of interest under [§1-85](#) and **may not act** under any circumstances. However, if your financial interest is shared by the other members of your profession, occupation, or group (e.g., a public official/teacher acting on a matter that will result in a uniform financial benefit to all teachers) you **proceed under the rules** of [§1-86](#). Specifically: (A) if one is a member of a regulatory agency, one must either be excused upon request or prepare, under penalty of false statement, a written statement (to be placed in the minutes of the individual's agency, with a copy to the Ethics Commission) describing the potential conflict and stating why, despite the situation, one can act fairly, objectively and in the public interest; or (B) if not a member of a regulatory agency, the individual must prepare a written statement, under penalty of false statement, which describes the potential conflict. The individual must deliver the statement to his or

her superior, who will assign the matter to another who is not subordinate to the individual with the conflict. (If one has no immediate superior, deliver the statement to the Ethics Commission for guidance on how to proceed.)

Under [§1-86](#), if the financial effect on you, a family member, or an associated business is insignificant (i.e. less than \$100 in a calendar year), or no different than that of a substantial segment of the general public (e.g., a regulatory official approving an increase in residential electric rates), you **may act without** having to follow [§1-86](#) procedures.

Each state employee must disclose to the Commission, within thirty days, any "necessary expense" payments that the individual receives in his or her capacity as a public official or state employee if lodging and/or out-of-state travel is included, unless provided by the Federal Government or another State Government.

Also, whenever a gift to the state incidentally benefits a public official or state employee in the amount of fifty dollars or more and is donated by an individual or entity regulated by, doing business with, or seeking to do business with the recipient agency, the individual's superior shall certify in writing to the Ethics Commission, **prior** to the acceptance of the benefit, that the gift in fact facilitates state action or functions and is sanctioned by the recipient agency notwithstanding any potential conflict of interests. An example of such a gift to the state is when a regulated entity pays the cost for a state regulatory employee to take a course relevant to his or her area of expertise.

B. COMPLAINTS

A complaint may be made by any person or by the Commission. The Commission, if it finds sufficient evidence, investigates an alleged violation. It has subpoena powers and can use the services of the State Police. If a preliminary hearing indicates probable cause, the Commission initiates a hearing by a judge trial referee appointed by the Chief Court Administrator. These latter hearings are open to the public. There can be an appeal from the referee's decision to the Superior Court either by the respondent or by the Commission. If the respondent prevails, the respondent has a cause of action against the complainant for double damages, provided the complaint was made with the knowledge that it was without foundation in fact. [C.G.S. §1-82](#).

Unless and until there is a finding of probable cause, the complaint and any investigation are confidential except on the request of the respondent. However, this prohibition does not prevent reporting the possible commission of a crime to the Chief State's Attorney. [C.G.S. §1-82a](#).

C. SANCTIONS

If the Commission finds a violation, it can order, among other things, that the respondent stop the violation, comply with the Code, and pay a civil penalty of up to \$2,000.00 for each violation. In addition, it can report its findings to the Chief State's Attorney, since an intentional violation of the Code is a misdemeanor (punishable by a fine of up to \$2,000 or imprisonment of up to one year, or both) or, if a person is believed liable for damages in the amount of an advantage illegally obtained and knowingly received, it shall immediately inform the Attorney General who may bring a civil action to recover compensatory and punitive damages. [C.G.S. §§1-88 and 1-89](#).

PROCEDURES

Employees are urged to familiarize themselves with the provisions of the Code of Ethics in order to assess areas of individual applicability. If a supervisor or employee is confronted with a potential conflict of interest, offer to pay expenses from other than the State Judicial Branch or has a question about the propriety of any action the supervisor or employee wishes to take, he/she should send it to his/her Executive Director. The Executive Director shall forward it, together with the Executive Director's recommendation and additional information, if any, to the Executive Director of Court Operations. The Executive Director of Court Operations, the Attorney/Legal Services and the Director of Human Resources shall decide the question with a majority vote prevailing. They may consult the Ethics Commission if any of them deem it appropriate provided they give advance notice to the employee whose conduct is involved. If the employee opposes the consultation, has not yet engaged in the conduct and agrees not to engage in the conduct in the future, the matter will not be pursued. The Executive Director and the employee shall be informed of the decision. The Executive Director of Court Operations, Attorney/Legal Services and Director of Human Resources may act through a designee appointed on an ad hoc basis.

Questions? – [Human Resources](#) - (860) 706-5280